

interest cost at which Yankee Atomic could borrow from The First National Bank of Boston.

Yankee Atomic requests exemption from the competitive bidding requirements of Rule 50 with respect to the proposed issuance and sale of commercial paper pursuant to paragraph (a)(5) thereof and also proposes to file the requisite certificates of notification under Rule 24 covering the proposed transactions on a quarterly basis.

The fees and expenses to be incurred by Yankee Atomic in connection with the proposed transactions are estimated to be approximately \$3,000, including not in excess of \$1,000 for services performed at cost by New England Power Service Company, an affiliated service company. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 23, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 77-35209 Filed 12-8-77; 8:45 am]

[8025-01]

## SMALL BUSINESS ADMINISTRATION

[Proposal No. 05/05-0123]

### CONSUMER GROWTH CAPITAL INC.

Notice of Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to section 107.102 of the SBA Regulations (13 CFR 107.102 (1977)) by Consumer Growth Capital Inc., 300 Roanoke Building, Minneapolis, Minn. 55402, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors, and shareholders are:

#### Name, Address, Title, and Relationship

John T. Gerlach, 4861 East Lake Harriet Boulevard, Minneapolis, Minn. 55409, president, general manager, treasurer, and director.

Richard N. Flint, 300 Roanoke Building, Minneapolis, Minn. 55402, secretary.

Donald R. Koessel, 624 Third Avenue SE., Minneapolis, Minn. 55414, director.

E. William Swanson, Jr., 719 St. Lawrence Avenue, Janesville, Wis. 53545, director.

Richard N. Thiele, 62 Sedgemoor Road, Wayland, Mass. 01778, director.

Percent of ownership to be determined upon the completion of the initial offering of capital stock to investors.

The Applicant will begin operations with a capitalization of \$435,804 and will be a source of equity capital and long term loan funds for qualified small business concerns. In addition, the Applicant will offer management consulting services to portfolio and other small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than December 27, 1978, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C.

A copy of this notice will be published in a newspaper of general circulation in Minneapolis, Minn.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: December 5, 1977.

PETER F. McNEISH,  
Deputy Associate Administrator  
for Investment.

[FR Doc. 77-35183 Filed 12-8-77; 8:45 am]

[8025-01]

[Delegation of Authority No. 30, Rev. 15, Amendment 15]

#### FIELD OFFICES

Delegation of Authority to Conduct Program Activities; Correction

In FR Doc. 77-34579 appearing at page 61347 in the issue for Friday, December 2, 1977, in the text of the amendment to the delegation of authority in paragraph 1 the first sentence in the unnumbered paragraph reads in part "... membership consisting of the Assistant District Director for Finance and Investment, ..." It should have read "... membership consisting of the Assistant District Director for Finance and Investment, ..."

Dated: December 5, 1977.

OLETA F. WAUGH,  
Federal Register Liaison Officer.  
[FR Doc. 77-35184 Filed 12-8-77; 8:45 am]

[4910-06]

## DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA E.O. No. 6]

### ILLINOIS CENTRAL GULF RAILROAD COMPANY

Emergency Order Restricting Certain Operations

The Federal Railroad Administration (FRA), Department of Transportation has determined that considerations of public safety necessitate the issuance of an emergency order removing from service the line of railroad operated by the Illinois Central Gulf RR. Co. (ICG) between Rock Creek Junction, Mo., and Clark, Mo., a distance by rail of approximately 130 miles (portions of the Slater District and Kansas City District, Missouri Division). This document summarizes the factual and legal basis for FRA action and issues the emergency order.

The above-described segment of line is a single track main line over which operations are conducted by timetable, train order, and an automatic block signal system. Under this method of operation, trains will in many instances rely on the aspects displayed by wayside signals to ascertain whether portions of the line of railroad are occupied and, thus, whether entry into the portion of track or "block" is safe. In addition, to a certain extent train crews may tend to rely on clear as-

pects as assurance that the track structure is intact and switches are properly aligned. In this context, if a signal displays a more favorable aspect than intended, a train may be drawn into a trap in which the train cannot be stopped short of another train, broken rail, or misaligned switch leading into a low-speed turnout. The display of a more favorable aspect than intended is known as a "false clear" or "false proceed."

As a result of a series of inspections on the segment of line by FRA inspectors and a participating state inspector from the Missouri Public Service Commission over a period of more than one year, FRA became aware that vegetation had been permitted to grow in such a way as to entangle itself in and interfere with signal line wires carried on poles along the right-of-way. Vegetation growth of this kind has the potential to result in signal wires touching one another, producing a false proceed indication by the way-side signals.

The Signal Inspection Act (49 U.S.C. 26) provides that it shall be unlawful for any carrier to use on its line any signal system which is not "in proper condition and safe to operate in the service to which it is put, so that same may be used without unnecessary peril to life and limb . . ." The FRA Track Safety Standards, issued under the authority of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421, 431-441), provide that vegetation must be controlled so that it does not prevent the proper functioning of signal or communication lines. (49 CFR § 213.37(d)). FRA administers and enforces both the Signal Inspection Act and the Federal Railroad Safety Act of 1970 under a delegation from the Secretary of Transportation. (49 CFR § 1.49).

Through the issuance of numerous inspection and violation reports in the period September 14, 1976, through the present FRA has repeatedly called to the attention of the ICG specific dangerous and defective conditions relating to vegetation on the segment of line. The ICG responded with inadequate measures which left untouched many serious situations.

As a result of persistent carrier neglect, a number of known false proceed conditions have arisen on this segment of line since the latter part of June 1977. At least six false proceeds have been caused by vegetation growth causing signal wires to be wrapped or otherwise to contact other signal wires or communication wires. Vegetation may have contributed to a seventh false proceed. One of the false proceed conditions known to have been caused by vegetation actually existed unabated for a period of 12 days due to an apparent lapse of internal communication within the railroad. An eighth false proceed was apparent-

ly caused by a wrapping of lines during the course of work done by bulldozer to remove some of the larger vegetation.

Given the pattern of noncompliance on this segment of line and an emerging pattern of false proceed indications, FRA intensified its efforts to encourage remedial action by the carrier.

During a meeting with the FRA Regional Administrator in Chicago on September 13, 1977, an ICG Vice President and other responsible officials of the carrier set a target date for removal of vegetation of December 5, 1977. In a letter to ICG's President and Chief Operating Officer on November 23, 1977, I emphasized my concern that this target date be met and stressed that failure of the ICG to take corrective action could result in use of FRA's emergency powers under section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432). The information available to FRA on this date indicates that, while ICG has done work designed to clear completely vegetation from signal lines along approximately 52 miles of track and has done partial clearing with bulldozers on an additional 32 miles of line, the current pace of work will permit hazardous conditions to persist on a substantial portion of the line for a number of weeks into the future unless decisive action is taken.

In light of the established pattern of noncompliance by the ICG with respect to this subject matter, the repeated occurrence of known false proceed indications and the continuing significant level of probability that additional false proceed indications will continue to occur in the foreseeable future, and in light of the risk to employees and the public that such conditions may cause collisions or derailments involving immediate death or injury to persons or death or injury to persons following the release of hazardous materials transported on the line, I have determined that the aforementioned vegetation growth affecting the integrity of the signal system on the ICG line extending between Clark, Mo., and Rock Creek Junction, Mo., constitutes an unsafe condition and creates an emergency situation involving a hazard of death or injury to persons affected by the use of this segment of line.

Therefore, pursuant to the authority of section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432), delegated to me by the Secretary of Transportation (49 CFR 1.49(n)), it is hereby ordered:

1. That all train service over that part of the Illinois Central Gulf's Missouri Division extending between Clark, Mo., and Rock Creek Junction, Mo., a distance of approximately 130 miles, shall be terminated not later than 12:01 a.m. December 8, 1977.

However, any through train in transit over such track at that time may continue to its final terminal.

2. This order shall remain in effect until all vegetation has been removed from the signal pole line, all wires are properly secured on insulators, all grounds are removed and the Illinois Central Gulf Railroad has determined that the signal system functions as intended.

3. Operation of all train service (except work trains engaged in repair or restoration), over such track shall be and is prohibited by this order until the authorized designated official of the Illinois Central Gulf Railroad has certified that the above conditions have been met and the line has been inspected by a representative of the Federal Railroad Administration. Subject to these procedures, service over the line may be restored incrementally.

In consideration of the discussions and correspondence between FRA and the ICG, I have further determined that the above-stated order shall become effective according to its terms notwithstanding any provision in Part 216 of Title 49, Code of Federal Regulations.

A civil penalty of \$2,500 will be assessed for any violation of this order. (45 U.S.C. 438).

Opportunity for formal review of this Emergency Order will be provided in accordance with 49 CFR 216.25 and section 203 of the Federal Railroad Safety Act of 1970 by written petition.

Issued in Washington, D.C., on December 7, 1977.

JOHN M. SULLIVAN,  
Administrator.

[FR Doc. 77-35436 Filed 12-8-77; 8:45 am]

[7035-01]

## INTERSTATE COMMERCE COMMISSION

[No. 5431]

### ASSIGNMENT OF HEARINGS

DECEMBER 6, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-C-9753, *Direct Winters Transport Limited, et al. v. Reliable Transport (U.S.)*